

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 04395 221635Z
ACTION L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 DOE-15 ACDA-12 CIAE-00
DODE-00 PM-05 INR-10 NSAE-00 NASA-01 NSC-05
SOE-02 SS-15 OES-07 AF-10 ARA-10 EA-10 NEA-10
/141 W

-----085795 221656Z /45

P 221624Z MAR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 7536
INFO AMEMBASSY MOSCOW
USMISSION USUN NEW YORK

C O N F I D E N T I A L GENEVA 04395

E.O. 11652:GDS
TAGS: TSPA, UN, UR
SUBJ: OUTER SPACE LEGAL SUBCOMMITTEE - SOVIET PAPER ON
USE OF GEOSTATIONARY ORBITS

REF: GENEVA 4058

1. US-USSR CONSULTATIONS ON SOVIET TEXT OF RESOLUTION ON
GEOSTATIONARY ORBIT HAVE RESULTED IN TEXT WHICH US DEL
BELIEVES IT CAN FULLY SUPPORT. ALL REFERENCES TO ITU AND
COMMUNICATIONS HAVE BEEN DELETED AND OTHER OPERATIVE
PARAGRAPHS MODIFIED TO BE LARGELY REITERATION OF RELEVANT
LANGUAGE FROM 1967 OUTER SPACE TREATY.

2. UNLESS DEPT PERCEIVES PROBLEMS, US AND USSR INTEND TO
SEEK SUPPORT OF OTHER DELS FOR RESOLUTION. WE BELIEVE
THAT SUPPORT OF AT LEAST 20 DELS NECESSARY FOR RESOLUTION
TO HAVE INTENDED EFFECT OF BALANCING BOGOTA DECLARATION,
AND SOVIET INSTRUCTIONS WOULD, IN FACT, FORBID THEM FROM
ACTING ON TEXT UNLESS SUCH GENERAL SUPPORT IS FORTHCOMING.

3. TEXT OF PROPOSED RESOLUTION IS AS FOLLOWS:
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 04395 221635Z

THE GENERAL ASSEMBLY
NOTING TECHNOLOGICAL DEVELOPMENTS IN THE FIELD OF
USE OF GEOSTATIONARY ORBITS,
RECOGNIZING THE GENERAL INTEREST IN THE ON-GOING AND
FUTURE USES OF GEOSTATIONARY ORBITS,
REFERRING TO THE RELEVANT PROVISIONS OF THE 1967

TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN
THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON
AND OTHER CELESTIAL BODIES,

RECALLING ITS RESOLUTION 32/196 OF 20 DECEMBER 1977,

CONFIRMS THE FOLLOWING LEGAL PRINCIPLES GOVERNING
THE USE OF GEOSTATIONARY ORBITS:

1. GEOSTATIONARY ORBITS ARE INSEPARABLE FROM OUTER
SPACE AND ALL RELEVANT PROVISIONS OF THE 1967 TREATY ON
PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE
EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON
AND OTHER CELESTIAL BODIES, ARE APPLICABLE TO THEM.
UNDER THAT TREATY, GEOSTATIONARY ORBITS, LIKE OUTER SPACE
AS A WHOLE, ARE NOT SUBJECT TO NATIONAL APPROPRIATION BY
CLAIM OF SOVEREIGNTY, BY MEANS OF USE OR OCCUPATION, OR
BY ANY OTHER MEANS.

2. THE GEOSTATIONARY ORBIT IS FREE FOR USE BY ALL
STATES WITHOUT DISCRIMINATION OF ANY KIND ON A BASIS OF
EQUALITY AND IN ACCORDANCE WITH INTERNATIONAL LAW. IN
USING GEOSTATIONARY ORBITS, STATES PAY DUE REGARD TO THE
CORRESPONDING INTERESTS OF OTHER STATES AND ARE GUIDED BY
THE PRINCIPLE OF COOPERATION.

3. THE PLACING OF SATELLITES IN GEOSTATIONARY
ORBITS BY STATES CREATES NO RIGHT OF OWNERSHIP OVER THE
RESPECTIVE ORBITAL POSITIONS OF THE SATELLITES OR OVER
SEGMENTS OF THE ORBITS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 04395 221635Z

4. STATE 72586 JUST RECEIVED BY US DEL. OBJECT OF
SOVIET APPROACH IS THAT CLEARLY STATED IN PARA 1 OF
REFTEL, NAMELY TO PLACE IN THE RECORD A PAPER AND POS-
SIBLY IN THE LSC REPORT SUPPORTED BY SUBSTANTIAL NUMBER
OF COUNTRIES TO BALANCE CLAIMS OF CERTAIN EQUATORIAL
STATES TO SOVEREIGNTY OVER GEOSTATIONARY ORBIT. THIS
LATTER POSITION WAS MOST CLEARLY PUT FORWARD IN BOGOTA
DECLARATION OF DECEMBER 3, 1976.

5. WE BELIEVE DEPT MISCONSTRUES PURPOSE OF USING FORM
OF GA RESOLUTION. THIS FORM NOT INTENDED TO DESTROY
CONSENSUS APPROACH. INDEED, THERE IS NO EXPECTATION
THAT DRAFT WILL EVER GET OUT OF LSC. HOWEVER, EVERY
PROPOSAL DEVELOPED IN THE LSC IS, IN PRINCIPLE, DESIGNED
TO BE EITHER A TREATY OR A UN RESOLUTION, AFTER CONSEN-
SUS HAS DEVELOPED IN LSC AND OSC. WHEN CONSENSUS DOES
NOT DEVELOP BEHIND SOVIET PROPOSAL, IT WILL BE PLACED
IN LSC REPORT AS A TABLED DOCUMENT, THUS ACHIEVING
DESIRED BALANCE TO BOGOTA RESOLUTION.

6. WITH RELATIVELY LITTLE TIME REMAINING TO MEETING, WE
DOUBT THAT EVEN STATES SUPPORTING SOVIET PROPOSAL CAN GET
INSTRUCTIONS TO SIGN ON AS COSPONSORS. NEVERTHELESS

CONSIDERING THAT THE US AND USSR INTERESTS EXACTLY COINCIDE ON THIS MATTER, WE SEE NO PURPOSE TO BE SERVED BY REFUSING TO COOPERATE FULLY WITH THE SOVIETS ON THIS MATTER, ESPECIALLY AS IT WILL BE ONLY POSITIVE ACTION US AND SOVIETS CAN AGREE ON AT THIS LSC MEETING.

7. ACTION REQUESTED: REQUEST DEPT APPROVAL FOR US DEL TO COOPERATE WITH SOVIETS IN SEEKING SUPPORT OF OTHER STATES BOTH FORMALLY AND INFORMALLY. VANDEN HEUVEL

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PAPERS, INTERNATIONAL LAW, SPACE EXPLORATION
Control Number: n/a
Copy: SINGLE
Draft Date: 22 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA04395
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780126-0610
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780339/aaaabgij.tel
Line Count: 124
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 596bc1bf-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 GENEVA 4058
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3242913
Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE LEGAL SUBCOMMITTEE - SOVIET PAPER ON USE OF GEOSTATIONARY ORBITS
TAGS: TSPA, UR, UN
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/596bc1bf-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014